

SENATE TRANSPORTATION COMMITTEE**HOUSE BILL 558: AN ACT PRESCRIBING THE PROCEDURE FOR
THE STABILIZATION OF AGGREGATE SURFACE ROADS**

For the record, I am Jay Skoog, Executive Director of the American Council of Engineering Companies of Montana. Our organization represents engineering firms throughout the state of Montana. I offer this testimony on behalf of our member firms.

I'd like to begin by saying that we certainly empathize with residents who were impacted along these roads. In no way do we want to minimize the damage they suffered to their property and equipment.

However, I have been approached by several engineering firms requesting that our organization testify as opponents to HB558. In addition, our board of directors was unanimously opposed to this bill.

The reason is that licensed professional engineers do not want to replace sampling, testing, design, analysis, and engineering judgment with state code.

We also have technical concerns that the 6.6 pounds per cubic foot identified in the bill is confusing and not an appropriate unit of measure for magnesium chloride, a product that is almost exclusively specified by gallons per surface yard of roadway surface. Further the bill only applies to mixing of these compounds with gravel road materials. It does not apply to the more common method of liquid application via a spray bar to the road surface which, of course, has the same potential to cause a mucky mess.

Thanks to Senator Tester and the local residents this issue reached the highest levels of the Federal Highway Administration. I also contacted the FHWA and was told that although they can't comment on pending legislation, they did acknowledge that 2011 was a very wet year and the project went awry; however the roads ultimately solidified and are performing well.

While we don't know the specifics of why FHWA did what they did in 2011, I have talked with professional engineers who know first-hand that FHWA

acknowledges the problems and learned a valuable lesson. In other words, there is no intent on behalf of a federal, state or local government agency to repeat this mistake.

Again, the main reason we are opposed is that our members do not think the state should be practicing engineering via statute, which is what the bill would do in specifying a maximum rate of application. Such decisions are best made by licensed professional engineers working closely with the local agencies and citizens.

Thank you for this opportunity to provide testimony. If you require additional information, I'd be happy to provide it.

Thank you for your service to our state.

Sincerely,

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